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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,396	08/13/1999	PETER JOHN MOTTISHAW	30980016US	4303

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EXAMINER

ODLAND, DAVID E

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/367,396

Applicant(s)

MOTTISHAW ET AL.

Examiner

David Odland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-6 all recite 'correlating' or the 'correlation' of data. It is unclear what is meant by 'correlating' or the 'correlation' of data.

Claims 11-16 and 18-20 are also rejected because they depend on rejected claims.

Claims 2 and 4 recite, "...monitoring additional signaling messages (e.g. SS7 protocol messages)..." in lines 2 and 4, respectively. This limitation is confusing; it is unclear whether the additional signaling messages are of the ISDN D-channel or some other signaling, such as SS7.

Claim 3 recites, "...monitoring a second location...to derive fourth monitoring data..." in lines 2 and 3. It is unclear how there could be 'fourth monitoring data' when there is no 'third monitoring data' recited in claim 3 or its parent claim, claim 1.

Claim 7 recites, "...extracting further information traversing the selected transmission channel..." in line 9. It is unclear what is meant by 'further information'.

Claims 8-10, 17, and 21 are rejected because they depend on claim 7.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 11, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,533,007 to Orita et al., hereafter referred to as Orita.

Referring to claim 1, Orita discloses of a method of monitoring an ISDN link (an ISDN monitoring system [see abstract]), comprising the steps of monitoring at a first location subscriber signaling messages on an ISDN D channel to derive first monitoring data (a monitoring device at a location monitors data received from the D channel of the ISDN link [see item 28 of figure 1 and column 4 lines 16-31]), monitoring at said first location telecommunications traffic traversing ISDN B channels associated with said ISDN D channel to derive second monitoring data (the monitoring device at the same location is then used to monitor data received from the B channels [see item 28 of figure 1 and column 4 lines 51-62]) and correlating said first and second monitoring data (the channel of a particular subscriber are monitored, hence there is a correlation between the D channel and its associated B channels [see column 6 lines 1-6 and lines 40-42]).

Referring to claim 11, Orita discloses the method of monitoring an ISDN link as discussed above. Furthermore, Orita discloses that the monitoring for at least one

location is passive in nature (the ISDN channel is monitored without stopping the switching services, hence non-intrusive monitoring [see column 1 lines 55-60]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 15 and 16, as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Orita.

Referring to claim 5, Orita discloses of an Apparatus for monitoring an ISDN link (an ISDN monitoring system [see abstract]), comprising first equipment at a first location for monitoring subscriber signaling messages on an ISDN D channel to derive first monitoring data (a monitoring device at a location monitors data received from the D channel of the ISDN link [see item 28 of figure 1 and column 4 lines 16-31]), equipment at said first location for monitoring telecommunications traffic traversing ISDN B channels associated with said ISDN D channel to derive second monitoring data (the monitoring device at the same location is then used to monitor data received from the B channels that correspond to the associated D channel signaling [see item 28 of figure 1 and column 4 lines 51-62]), and a correlation apparatus coupled the equipment to receive and correlate said first and second monitoring data (the device is used to monitor the channel of a particular subscriber, hence there is a correlation between the D channel and its associated B channels [see column 6 lines 1-6 and lines 40-42]).

Orita does not disclose that there is a second, separate, piece of equipment at the same location for monitoring the B channels. Instead, Orita discloses that the D and B channels are monitored by the same piece of equipment, as discussed above.

However, it would have been obvious to one skilled in the art at the time of the invention to separate the monitoring device, as taught by Orita, into separate pieces because doing so would merely be a matter of design choice.

Referring to claim 6, Orita discloses of an apparatus for monitoring an ISDN link (an ISDN monitoring system [see abstract]), comprising first equipment for monitoring subscriber signaling messages on an ISDN D channel to derive first monitoring data (a monitoring device at a location monitors data received from the D channel of the ISDN link [see item 28 of figure 1 and column 4 lines 16-31]), equipment for monitoring additional signaling messages on a signaling link in a telecommunications network coupled to said ISDN link to derive second monitoring data (the signaling from not only the subscriber is monitored but also signaling related to the networks in which the subscribers information traverses such as the line connection network, LC-NW, and the call processing network, CPR-NW [see items 16, 24 and 28 of figure 1 and column 4 lines 51-62]), and correlation apparatus coupled to the equipment to receive and correlate said first and second monitoring data (the device is used to monitor the signaling channel of a particular subscriber, whose information traverses through multiple networks, hence there is a correlation between the subscribers D channel and the associated signaling of the other networks [see column 6 lines 1-6 and lines 40-42]). Orita does not disclose that there is a second, separate, piece of equipment at the same

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location for monitoring the B channels. Instead, Orita discloses that the D and B channels are monitored by the same piece of equipment, as discussed above.

However, it would have been obvious to one skilled in the art at the time of the invention to separate the monitoring device, as taught by Orita, into separate pieces because doing so would merely be a matter of design choice.

Referring to claims 15 and 16, Orita discloses the method of monitoring an ISDN link as discussed above, in the rejection of claims 5 and 6, respectively. Furthermore, Orita discloses that the monitoring for at least one location is passive in nature (the ISDN channel is monitored without stopping the switching services, hence non-intrusive monitoring [see column 1 lines 55-60]).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Pat. No. 5260970 to Henry et al.
- b. U.S. Pat. No. 5592530 to Brockman et al.
- c. U.S. Pat. No. 6370122 to Nussbaumer et al.
- d. U.S. Pat. No. 6411681 to Nolting et al.
- e. U.S. Pat. No. 4998240 to Williams.
- f. U.S. Pat. No. 5784558 to Emerson et al.
- g. U.S. Pat. No. 5828978 to Anand et al.
- h. U.S. Pat. No. 6028914 to Lin et al.
- i. U.S. Pat. No. 6085243 to Fletcher et al.

j. U.S. Pat. No. 6169724 to Begum et al.

k. U.S. Pat. No. 5477529 to Gingell.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland whose telephone number is (703) 305-3231. The examiner can normally be reached on Mon-Fri 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached at (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

deo

August 8, 2002


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
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